

# EXHIBIT A

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VICTOR ELIAS PHOTOGRAPHY,  
LLC,

Plaintiff,

v.

LEONARDO WORLDWIDE  
CORPORATION and LEONARDO,

Defendants.

C.A. NO. 4:18-cv-02142

**DECLARATION OF KASHIF MALIK IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S  
COMPLAINT**

I, Kashif Malik, declare, pursuant to 28 U.S.C. § 1746, that:

1. I am the Vice President of Finance for Leonardo Worldwide Corporation ("Leonardo") and have personal knowledge of the facts set forth herein. I make this declaration in support of Defendants' Motion to Dismiss Plaintiff's Complaint.
2. Leonardo is a corporation incorporated under the laws of Canada.
3. Leonardo maintains its principal place of business in Toronto, Ontario, Canada.

4. Leonardo does not conduct any of its regular business activities in Texas.

5. Leonardo does not have any offices, property, employees, or bank accounts located in Texas.

6. Leonardo is not aware of any potential witnesses located in Texas who might have knowledge about the facts alleged in the Plaintiff's Complaint filed in this matter.

7. Leonardo does not have any contractual relationship with Victor Elias or Victor Elias Photography, LLC that relates to the 194 photographs listed in Exhibit A attached to the Plaintiff's Complaint filed in this matter (the "Photographs").

8. Leonardo has never obtained the Photographs or copies of the Photographs directly from Mr. Elias or Victor Elias Photography, LLC.

9. Leonardo is in the business of providing platforms for hotels and resorts to manage their visual media and to connect with thousands of online travel agencies, global distribution systems, and Internet search sites throughout the world.

10. The customers that utilize the services of Leonardo are primarily hotels and resorts.

11. Leonardo does not own or operate Travelocity, Hotels.com, Expedia.com, or any other, similar travel reservation website from which Internet users book hotel reservations.

12. Leonardo does not advertise its services on any hotel or online travel reservation websites.

13. Leonardo does not engage in any commercial transactions with Internet users seeking to book hotel accommodations.

14. Leonardo does not solicit or direct any marketing efforts to Internet users who are seeking to book hotel reservations online.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: October 12, 2018

  
Kashif Malik